

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 583**  
93RD GENERAL ASSEMBLY

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Reported from the Committee on Transportation, February 2, 2006, with recommendation that the Senate Committee Substitute do pass.

3160S.09C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 33.080, 301.190, 301.800, 307.366, 643.305, 643.310, 643.315, 643.320, 643.330, 643.335, 643.350, and 643.360, RSMo, and to enact in lieu thereof twelve new sections relating to the state emissions inspection program, with an effective date for certain sections and penalty provisions.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 33.080, 301.190, 301.800, 307.366, 643.305, 643.310, 643.315, 643.320, 643.330, 643.335, 643.350, and 643.360, RSMo, are repealed and twelve new sections enacted in lieu thereof, to be known as sections 33.080, 301.190, 301.800, 307.367, 643.303, 643.305, 643.310, 643.315, 643.320, 643.330, 643.335, and 643.350, to read as follows:

33.080. 1. All fees, funds and moneys from whatsoever source received by any department, board, bureau, commission, institution, official or agency of the state government by virtue of any law or rule or regulation made in accordance with any law, excluding all funds received and disbursed by the state on behalf of counties and cities, towns and villages shall, by the official authorized to receive same, and at stated intervals of not more than thirty days, be placed in the state treasury to the credit of the particular purpose or fund for which collected, and shall be subject to appropriation by the general assembly for the particular purpose or fund for which collected during the biennium in which collected and appropriated. The unexpended balance remaining in all such funds (except such unexpended balance as may remain in any fund authorized, collected and expended by virtue of the provisions of the constitution of this state) shall at the end of the biennium and after all warrants on same have been discharged and

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

14 the appropriation thereof has lapsed, be transferred and placed to the credit of  
15 the ordinary revenue fund of the state by the state treasurer. Any official or any  
16 person who shall willfully fail to comply with any of the provisions of this section,  
17 and any person who shall willfully violate any provision hereof, shall be deemed  
18 guilty of a misdemeanor; provided, that all such money received by the curators  
19 of the University of Missouri except those funds required by law or by instrument  
20 granting the same to be paid into the seminary fund of the state, is excepted  
21 herefrom, and in the case of other state educational institutions there is excepted  
22 herefrom, gifts or trust funds from whatever source; appropriations; gifts or  
23 grants from the federal government, private organizations and individuals; funds  
24 for or from student activities; farm or housing activities; and other funds from  
25 which the whole or some part thereof may be liable to be repaid to the person  
26 contributing the same; and hospital fees. All of the above excepted funds shall  
27 be reported in detail quarterly to the governor and biennially to the general  
28 assembly.

29         2. Notwithstanding any provision of law to the contrary concerning the  
30 funds listed in subdivisions (1) to (23) of this subsection, an amount equal to the  
31 sum of all interest that has accrued in the funds listed in subdivisions (1) to (23)  
32 of this subsection during the two-year period beginning July 1, 2001, and ending  
33 June 30, 2003, shall be transferred and placed to the credit of the general  
34 revenue fund of the state by the state treasurer upon the effective date of this  
35 act. The funds subject to the provisions of this section are as follows:

36             (1) Residential mortgage licensing fund created pursuant to section  
37 443.845, RSMo;

38             (2) Gaming commission bingo fund created pursuant to section 313.008,  
39 RSMo;

40             (3) Missouri air emission reduction fund created pursuant to section  
41 643.350, RSMo;

42             (4) Mental health housing trust fund created pursuant to section 215.054,  
43 RSMo;

44             (5) Division of credit unions fund created pursuant to section 370.107,  
45 RSMo;

46             (6) Division of savings and loan supervision fund created pursuant to  
47 section 369.324, RSMo;

48             (7) Division of finance fund created pursuant to section 361.170, RSMo;

49             (8) Natural resources protection fund created pursuant to section 640.220,

50 RSMo, with the exception of the water permit fees subaccount and damages  
51 subaccount;

52 (9) Endowed care cemetery audit fund created pursuant to section  
53 193.265, RSMo;

54 (10) Metallic minerals waste management fund created pursuant to  
55 section 444.370, RSMo;

56 (11) Natural resources protection air pollution asbestos fee subaccount  
57 fund created pursuant to section 643.245, RSMo;

58 (12) Chemical emergency preparedness fund created pursuant to section  
59 292.607, RSMo;

60 (13) Legal defense and defender fund created pursuant to section 600.090,  
61 RSMo;

62 (14) Safe drinking water fund created pursuant to section 640.110, RSMo;

63 (15) Coal mine land reclamation fund created pursuant to section 444.960,  
64 RSMo;

65 (16) Missouri horse racing commission fund created pursuant to section  
66 313.530, RSMo;

67 (17) Hazardous waste remedial fund created pursuant to section 260.480,  
68 RSMo;

69 (18) [Missouri air pollution control fund created pursuant to section  
70 307.366, RSMo;

71 (19)] Property reuse fund created pursuant to section 447.710, RSMo;

72 [(20)] (19) State transportation assistance revolving fund created  
73 pursuant to section 226.191, RSMo;

74 [(21)] (20) Correctional substance abuse earnings fund created pursuant  
75 to section 559.635, RSMo;

76 [(22)] (21) Mined land reclamation fund created pursuant to section  
77 444.730, RSMo;

78 [(23)] (22) Aviation trust fund created pursuant to section 155.090,  
79 RSMo.

80 3. Notwithstanding any provision of law to the contrary concerning the  
81 funds listed in subdivisions (1) to (5) of this subsection, the amount specified for  
82 each fund listed in subdivisions (1) to (5) of this subsection shall be transferred  
83 and placed to the credit of the general revenue fund of the state by the state  
84 treasurer before October 1, 2003. The funds subject to the provisions of this  
85 subsection and the amount of transfer are as follows:

86 (1) State fair fees fund created pursuant to section 262.260, RSMo, six  
87 thousand dollars;

88 (2) Petroleum inspection fund created pursuant to section 414.082, RSMo,  
89 seventy-seven thousand six hundred and seventeen dollars;

90 (3) Department of revenue information fund pursuant to section 32.067,  
91 RSMo, two hundred and fifty thousand dollars;

92 (4) Secretary of state's technology trust fund account established pursuant  
93 to section 28.160, RSMo, one hundred and two thousand dollars;

94 (5) Administrative trust fund established pursuant to subsection 11 of  
95 section 37.005, RSMo, three million five hundred thousand dollars.

301.190. 1. No certificate of registration of any motor vehicle or trailer,  
2 or number plate therefor, shall be issued by the director of revenue unless the  
3 applicant therefor shall make application for and be granted a certificate of  
4 ownership of such motor vehicle or trailer, or shall present satisfactory evidence  
5 that such certificate has been previously issued to the applicant for such motor  
6 vehicle or trailer. Application shall be made within thirty days after the  
7 applicant acquires the motor vehicle or trailer upon a blank form furnished by the  
8 director of revenue and shall contain the applicant's identification number, a full  
9 description of the motor vehicle or trailer, the vehicle identification number, and  
10 the mileage registered on the odometer at the time of transfer of ownership, as  
11 required by section 407.536, RSMo, together with a statement of the applicant's  
12 source of title and of any liens or encumbrances on the motor vehicle or trailer,  
13 provided that for good cause shown the director of revenue may extend the period  
14 of time for making such application.

15 2. The director of revenue shall use reasonable diligence in ascertaining  
16 whether the facts stated in such application are true and shall, to the extent  
17 possible without substantially delaying processing of the application, review any  
18 odometer information pertaining to such motor vehicle that is accessible to the  
19 director of revenue. If satisfied that the applicant is the lawful owner of such  
20 motor vehicle or trailer, or otherwise entitled to have the same registered in his  
21 name, the director shall thereupon issue an appropriate certificate over his  
22 signature and sealed with the seal of his office, procured and used for such  
23 purpose. The certificate shall contain on its face a complete description, vehicle  
24 identification number, and other evidence of identification of the motor vehicle  
25 or trailer, as the director of revenue may deem necessary, together with the  
26 odometer information required to be put on the face of the certificate pursuant to

27 section 407.536, RSMo, a statement of any liens or encumbrances which the  
28 application may show to be thereon, and, if ownership of the vehicle has been  
29 transferred, the name of the state issuing the transferor's title and whether the  
30 transferor's odometer mileage statement executed pursuant to section 407.536,  
31 RSMo, indicated that the true mileage is materially different from the number of  
32 miles shown on the odometer, or is unknown.

33 3. The director of revenue shall appropriately designate on the current  
34 and all subsequent issues of the certificate the words "Reconstructed Motor  
35 Vehicle", "Motor Change Vehicle", "Specially Constructed Motor Vehicle", or  
36 "Non-USA-Std Motor Vehicle", as defined in section 301.010. Effective July 1,  
37 1990, on all original and all subsequent issues of the certificate for motor vehicles  
38 as referenced in subsections 2 and 3 of section 301.020, the director shall print  
39 on the face thereof the following designation: "Annual odometer updates may be  
40 available from the department of revenue.". On any duplicate certificate, the  
41 director of revenue shall reprint on the face thereof the most recent of either:

42 (1) The mileage information included on the face of the immediately prior  
43 certificate and the date of purchase or issuance of the immediately prior  
44 certificate; or

45 (2) Any other mileage information provided to the director of revenue, and  
46 the date the director obtained or recorded that information.

47 4. The certificate of ownership issued by the director of revenue shall be  
48 manufactured in a manner to prohibit as nearly as possible the ability to alter,  
49 counterfeit, duplicate, or forge such certificate without ready detection. In order  
50 to carry out the requirements of this subsection, the director of revenue may  
51 contract with a nonprofit scientific or educational institution specializing in the  
52 analysis of secure documents to determine the most effective methods of  
53 rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

54 5. The fee for each original certificate so issued shall be eight dollars and  
55 fifty cents, in addition to the fee for registration of such motor vehicle or trailer.  
56 If application for the certificate is not made within thirty days after the vehicle  
57 is acquired by the applicant, a delinquency penalty fee of twenty-five dollars for  
58 the first thirty days of delinquency and twenty-five dollars for each thirty days  
59 of delinquency thereafter, not to exceed a total of one hundred dollars before  
60 November 1, 2003, and not to exceed a total of two hundred dollars on or after  
61 November 1, 2003, shall be imposed, but such penalty may be waived by the  
62 director for a good cause shown. If the director of revenue learns that any person

63 has failed to obtain a certificate within thirty days after acquiring a motor vehicle  
64 or trailer or has sold a vehicle without obtaining a certificate, he shall cancel the  
65 registration of all vehicles registered in the name of the person, either as sole  
66 owner or as a co-owner, and shall notify the person that the cancellation will  
67 remain in force until the person pays the delinquency penalty fee provided in this  
68 section, together with all fees, charges and payments which he should have paid  
69 in connection with the certificate of ownership and registration of the  
70 vehicle. The certificate shall be good for the life of the motor vehicle or trailer so  
71 long as the same is owned or held by the original holder of the certificate and  
72 shall not have to be renewed annually.

73 6. Any applicant for a certificate of ownership requesting the department  
74 of revenue to process an application for a certificate of ownership in an  
75 expeditious manner requiring special handling shall pay a fee of five dollars in  
76 addition to the regular certificate of ownership fee.

77 7. It is unlawful for any person to operate in this state a motor vehicle or  
78 trailer required to be registered under the provisions of the law unless a  
79 certificate of ownership has been issued as herein provided.

80 8. Before an original Missouri certificate of ownership is issued, an  
81 inspection of the vehicle and a verification of vehicle identification numbers shall  
82 be made by the Missouri state highway patrol on vehicles for which there is a  
83 current title issued by another state if a Missouri salvage certificate of title has  
84 been issued for the same vehicle but no prior inspection and verification has been  
85 made in this state, except that if such vehicle has been inspected in another state  
86 by a law enforcement officer in a manner comparable to the inspection process in  
87 this state and the vehicle identification numbers have been so verified, the  
88 applicant shall not be liable for the twenty-five dollar inspection fee if such  
89 applicant submits proof of inspection and vehicle identification number  
90 verification to the director of revenue at the time of the application. The  
91 applicant, who has such a title for a vehicle on which no prior inspection and  
92 verification have been made, shall pay a fee of twenty-five dollars for such  
93 verification and inspection, payable to the director of revenue at the time of the  
94 request for the application, which shall be deposited in the state treasury to the  
95 credit of the state highways and transportation department fund.

96 9. Each application for an original Missouri certificate of ownership for  
97 a vehicle which is classified as a reconstructed motor vehicle, specially  
98 constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor

99 vehicle, or other vehicle as required by the director of revenue shall be  
100 accompanied by a vehicle examination certificate issued by the Missouri state  
101 highway patrol, or other law enforcement agency as authorized by the director of  
102 revenue. The vehicle examination shall include a verification of vehicle  
103 identification numbers and a determination of the classification of the  
104 vehicle. The owner of a vehicle which requires a vehicle examination certificate  
105 shall present the vehicle for examination and obtain a completed vehicle  
106 examination certificate prior to submitting an application for a certificate of  
107 ownership to the director of revenue. The fee for the vehicle examination  
108 application shall be twenty-five dollars and shall be collected by the director of  
109 revenue at the time of the request for the application and shall be deposited in  
110 the state treasury to the credit of the state highways and transportation  
111 department fund.

112       10. When an application is made for an original Missouri certificate of  
113 ownership for a motor vehicle previously registered or titled in a state other than  
114 Missouri or as required by section 301.020, it shall be accompanied by a current  
115 inspection form certified by a duly authorized official inspection station as  
116 described in chapter 307, RSMo. The completed form shall certify that the  
117 manufacturer's identification number for the vehicle has been inspected, that it  
118 is correctly displayed on the vehicle and shall certify the reading shown on the  
119 odometer at the time of inspection. The inspection station shall collect the same  
120 fee as authorized in section 307.365, RSMo, for making the inspection, and the  
121 fee shall be deposited in the same manner as provided in section 307.365, RSMo.  
122 If the vehicle is also to be registered in Missouri, the safety [and emissions  
123 inspections] **inspection** required in chapter 307, RSMo, **and the emissions**  
124 **inspection required under chapter 643, RSMo**, shall be completed and only  
125 the fees required by sections 307.365 and [307.366] **643.315**, RSMo, shall be  
126 charged to the owner. This section shall not apply to vehicles being transferred  
127 on a manufacturer's statement of origin.

128       11. Motor vehicles brought into this state in a wrecked or damaged  
129 condition or after being towed as an abandoned vehicle pursuant to another  
130 state's abandoned motor vehicle procedures shall, in lieu of the inspection  
131 required by subsection 10 of this section, be inspected by the Missouri state  
132 highway patrol in accordance with subsection 9 of this section. If the inspection  
133 reveals the vehicle to be in a salvage or junk condition, the director shall so  
134 indicate on any Missouri certificate of ownership issued for such vehicle. Any

135 salvage designation shall be carried forward on all subsequently issued  
136 certificates of title for the motor vehicle.

137           12. When an application is made for an original Missouri certificate of  
138 ownership for a motor vehicle previously registered or titled in a state other than  
139 Missouri, and the certificate of ownership has been appropriately designated by  
140 the issuing state as a reconstructed motor vehicle, motor change vehicle, or  
141 specially constructed motor vehicle, the director of revenue shall appropriately  
142 designate on the current Missouri and all subsequent issues of the certificate of  
143 ownership the name of the issuing state and such prior designation.

144           13. When an application is made for an original Missouri certificate of  
145 ownership for a motor vehicle previously registered or titled in a state other than  
146 Missouri, and the certificate of ownership has been appropriately designated by  
147 the issuing state as non-USA-std motor vehicle, the director of revenue shall  
148 appropriately designate on the current Missouri and all subsequent issues of the  
149 certificate of ownership the words "Non-USA-Std Motor Vehicle".

150           14. The director of revenue and the superintendent of the Missouri state  
151 highway patrol shall make and enforce rules for the administration of the  
152 inspections required by this section.

153           15. Each application for an original Missouri certificate of ownership for  
154 a vehicle which is classified as a reconstructed motor vehicle, manufactured forty  
155 or more years prior to the current model year, and which has a value of three  
156 thousand dollars or less shall be accompanied by:

157           (1) A proper affidavit submitted by the owner explaining how the motor  
158 vehicle or trailer was acquired and, if applicable, the reasons a valid certificate  
159 of ownership cannot be furnished;

160           (2) Photocopies of receipts, bills of sale establishing ownership, or titles,  
161 and the source of all major component parts used to rebuild the vehicle;

162           (3) A fee of one hundred fifty dollars in addition to the fees described in  
163 subsection 5 of this section. Such fee shall be deposited in the state treasury to  
164 the credit of the state highways and transportation department fund; and

165           (4) An inspection certificate, other than a motor vehicle examination  
166 certificate required under subsection 9 of this section, completed and issued by  
167 the Missouri state highway patrol, or other law enforcement agency as authorized  
168 by the director of revenue. The inspection performed by the highway patrol or  
169 other authorized local law enforcement agency shall include a check for stolen  
170 vehicles.

171 The department of revenue shall issue the owner a certificate of ownership  
172 designated with the words "Reconstructed Motor Vehicle" and deliver such  
173 certificate of ownership in accordance with the provisions of this  
174 chapter. Notwithstanding subsection 9 of this section, no owner of a  
175 reconstructed motor vehicle described in this subsection shall be required to  
176 obtain a vehicle examination certificate issued by the Missouri state highway  
177 patrol.

301.800. 1. Any motor vehicle assembled by a two- or four-year  
2 institution of higher education exclusively utilizing solar power and built to  
3 compete in a national competition organized to foster interest in solar energy  
4 shall be registered and titled by the director of revenue, other laws regulating  
5 licensing of motor vehicles to the contrary notwithstanding.

6 2. Such institution shall file an application in a form prescribed by the  
7 director, verified by affidavit, that such vehicle meets the requirements of  
8 subsection 1 of this section.

9 3. The plate issued by the director shall be the collegiate plate of the  
10 institution and shall display the term "solar" in a manner prescribed by the  
11 director.

12 4. The institution shall pay the applicable fees as determined by the  
13 director.

14 5. Such motor vehicle shall be exempt from the inspections required by  
15 sections 307.350 and [307.366] **643.315**, RSMo, and shall only be operated on the  
16 streets and highways with the approval of the institution of higher education.

**307.367. Prior to September 1, 2007, but no earlier than August**  
2 **1, 2007, all the funds held in the Missouri air pollution control fund**  
3 **established pursuant to section 307.366, shall be, as deemed necessary**  
4 **by the state treasurer and commissioner of administration, transferred**  
5 **to the Missouri air emission reduction fund as established in section**  
6 **643.350, RSMo, to be used for the purposes of administering and**  
7 **enforcing the provisions of sections 643.300 to 643.355, RSMo. Prior to**  
8 **such date, any of the funds in the Missouri air pollution control fund**  
9 **that are needed to pay any outstanding debt of the Missouri air**  
10 **pollution control fund, as determined by the state treasurer, shall be**  
11 **exempted from the provisions of this section. The Missouri air**  
12 **pollution control fund shall be officially abolished on September 1,**  
13 **2007.**

643.303. 1. Beginning September 1, 2007, emissions inspections  
2 required by sections 643.300 to 643.355, shall be conducted through a  
3 decentralized emissions program that meets the requirements of this  
4 section and sections 643.300 to 643.355. Prior to September 1, 2007, the  
5 air conservation commission shall establish, by rule, a decentralized  
6 emissions inspection program that allows official inspection stations to  
7 conduct on-board diagnostic emission inspections of 1996 and newer  
8 model year motor vehicles equipped with on-board diagnostic systems  
9 meeting the federal Environmental Protection Agency On-Board  
10 Diagnostics II (OBDII) standards. The decentralized emissions  
11 inspection program, at a minimum, shall provide for the following:

12 (1) The periodic inspection of certain motor vehicles as required  
13 under section 643.315;

14 (2) The certification and operation of official emissions  
15 inspection stations and the licensing of emission inspectors;

16 (3) The testing of motor vehicles through on-board diagnostic  
17 testing technologies;

18 (4) The training, certification, and supervision of emission  
19 inspectors and other personnel; and

20 (5) Procedures for certifying test results and for reporting and  
21 maintaining relevant data records.

22 2. The commission shall establish a process in which any official  
23 inspection station located in an area described in subsection 1 of  
24 section 643.305, otherwise qualified by the Missouri state highway  
25 patrol to conduct motor vehicle safety inspections under section  
26 307.360, RSMo, may apply to conduct on-board diagnostic emission  
27 inspections. Any motor vehicle safety inspection station that desires  
28 to conduct emissions inspections shall submit an application for a  
29 certificate of authorization to the commission as provided for under  
30 section 643.320. Other individuals, corporations, or entities that do not  
31 conduct motor vehicle safety inspections may conduct emission  
32 inspections provided they meet the qualifications set forth in sections  
33 643.300 to 643.355 and the rules promulgated by the  
34 commission. Applications shall be made upon a form designated by the  
35 commission and shall contain such information as may be required by  
36 the commission. A certificate of authorization issued under section  
37 643.320 to conduct emission inspections shall be issued only after the

38 commission has made a determination that the applicant's proposed  
39 inspection station will be properly equipped, has the necessary licensed  
40 emission inspectors to conduct inspections, and meets all other  
41 requirements of sections 643.300 to 643.355 or rules promulgated to  
42 carry out the provisions of those sections.

43 3. The decentralized emissions inspection program shall allow  
44 any official inspection station that is certified to conduct an on-board  
45 diagnostic emission inspection under sections 643.300 to 643.355 to  
46 repair motor vehicles in order to bring such vehicles into compliance  
47 with sections 643.300 to 643.355, if such station and personnel meet the  
48 qualifications to conduct emission repairs as set forth in sections  
49 643.300 to 643.355. An official emission inspection station may elect to  
50 be an emissions test-only station or may elect to conduct both emission  
51 inspections and repairs.

52 4. The commission is authorized to begin certification of official  
53 inspection stations prior to September 1, 2007, in order to implement  
54 the decentralized emissions inspection program.

55 5. The commission may, as a part of implementing the  
56 decentralized emissions inspection program, use remote sensing  
57 devices to collect information regarding the vehicle fleet emissions  
58 characteristics and registration compliance within the area described  
59 in subsection 1 of section 643.305.

60 6. The decentralized emissions inspection program may include  
61 a gas cap pressure test and a visual inspection component, and such  
62 tests may be included as part of the motor vehicle safety inspection test  
63 under section 307.350, RSMo.

64 7. As used in sections 643.300 to 643.355, the term "decentralized  
65 emissions inspection program" shall mean an emissions inspection  
66 program under which a certified emissions inspector conducts  
67 emissions inspection testing at an official inspection station.

68 8. No later than July 1, 2007, the department of natural  
69 resources, the department of revenue, and the Missouri state highway  
70 patrol shall enter into an interagency agreement covering all aspects  
71 of the administration and enforcement of sections 643.300 to 643.355.

72 9. The commission, may, prior to September 1, 2007, extend the  
73 current contract set to expire on September 1, 2007, or enter into  
74 another contract with the state-contracted company operating the

75 centralized enhanced motor vehicle inspection program. Such  
76 extension, renewal, or new contract with such party shall be on a  
77 month-to-month basis, as needed.

78 10. The decentralized emission inspection program shall satisfy  
79 the requirements established by regulation of the United States  
80 Environmental Protection Agency.

81 11. The decentralized emissions inspection program established  
82 by the commission and sections 643.300 to 643.355 shall not be  
83 construed to be a new program as described in section 23.253, RSMo,  
84 and the decentralized emissions inspection program shall not be  
85 subject to the sunset mandate prescribed by sections 23.250 to 23.298,  
86 RSMo.

87 12. No later than July 1, 2007, the air conservation commission  
88 shall promulgate rules and regulations for the implementation of the  
89 decentralized emission inspection program and sections 643.300 to  
90 643.355. Any rule or portion of a rule, as that term is defined in section  
91 536.010, RSMo, that is created under the authority delegated in this  
92 section shall become effective only if it complies with and is subject to  
93 all of the provisions of chapter 536, RSMo, and, if applicable, section  
94 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
95 and if any of the powers vested with the general assembly under  
96 chapter 536, RSMo, to review, to delay the effective date, or to  
97 disapprove and annul a rule are subsequently held unconstitutional,  
98 then the grant of rulemaking authority and any rule proposed or  
99 adopted after August 28, 2006, shall be invalid and void.

643.305. 1. The air conservation commission shall adopt a state  
2 implementation plan to bring all nonattainment areas of the state which are  
3 located within a city not within a county, any county [of the first classification  
4 having a population of over nine hundred thousand inhabitants, any county of the  
5 first classification with a charter form of government and a population of not  
6 more than two hundred twenty thousand inhabitants and not less than two  
7 hundred thousand inhabitants, any county of the first classification without a  
8 charter form of government with a population of not more than one hundred  
9 eighty thousand inhabitants and not less than one hundred seventy thousand  
10 inhabitants and any county of the first classification without a charter form of  
11 government with a population of not more than eighty-two thousand inhabitants  
12 and not less than eighty thousand inhabitants] **with a charter form of**

13 **government and with more than one million inhabitants, any county**  
14 **with a charter form of government and with more than two hundred**  
15 **fifty thousand but fewer than three hundred fifty thousand inhabitants,**  
16 **any county of the first classification with more than one hundred**  
17 **ninety-eight thousand but fewer than one hundred ninety-nine**  
18 **thousand two hundred inhabitants, and any county of the first**  
19 **classification with more than ninety-three thousand eight hundred but**  
20 **fewer than ninety-three thousand nine hundred inhabitants, into**  
21 compliance with and to maintain the National Ambient Air Quality Standards  
22 and any regulations promulgated by the United States Environmental Protection  
23 Agency under the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq., on  
24 the required date or dates as such dates are established under the federal Clean  
25 Air Act, as amended, 42 U.S.C. 7401, et seq., including any extensions authorized  
26 pursuant to that act.

27         2. The commission shall establish the amount of emissions reductions  
28 required to achieve the goal established pursuant to subsection 1 of this section.

29         3. The department shall establish an air quality baseline for all  
30 nonattainment areas of the state which are located within a metropolitan  
31 statistical area with a population of at least one million inhabitants as defined  
32 by the federal Office of Management and Budget or its successor agency. The air  
33 quality baseline shall include, where practical, actual air contaminant emissions  
34 data and data on the atmospheric concentrations of pollution and pollution  
35 precursors for all nonattainment areas.

36         4. The department shall determine the costs and benefits of alternative  
37 reduction measures including reductions of emissions from stationary and mobile  
38 sources and traffic control measures. The department of transportation, regional  
39 planning commissions and metropolitan planning organizations shall participate  
40 with the department and provide information necessary to determine the costs  
41 and benefits of emissions reduction measures.

42         5. The department shall evaluate any motor vehicle emissions inspection  
43 program established under [section 307.366, RSMo, or] sections 643.300 to  
44 643.355 and shall annually include in the report to the commission and the  
45 general assembly required under section 643.192, beginning on January 1, 1996,  
46 a detailed accounting of the inspection costs and repair costs incurred by vehicle  
47 owners and of the emissions reductions produced or incurred by the  
48 program. The department may use a representative sample of vehicles to provide

49 a statistically valid estimate of the repair costs and emissions reductions. The  
50 report shall also include a recommendation to the general assembly on whether  
51 the emissions inspection program should be continued, modified or terminated.

52 6. The department shall establish a program of public information and  
53 education to educate the citizens of the state about the costs and benefits  
54 associated with reaching attainment of the National Ambient Air Quality  
55 Standards and the costs and benefits of all measures which are considered to  
56 attain those standards. This shall be done prior to the commission's action under  
57 subsection 1 of this section.

643.310. 1. The commission may, by rule, establish a **decentralized**  
2 motor vehicle emissions inspection program pursuant to sections 643.300 to  
3 643.355 for any portion of a nonattainment area located within the area described  
4 in subsection 1 of section 643.305[, except for any portion of the nonattainment  
5 area which is located in a county of the first classification without a charter form  
6 of government with a population of less than one hundred thousand inhabitants  
7 according to the most recent decennial census, except that the commission may  
8 establish a motor vehicle emissions inspection program pursuant to sections  
9 643.300 to 643.355 in such county only for motor vehicles owned by residents of  
10 such county who have chosen to participate in such a program in lieu of the  
11 provisions of section 307.366, RSMo]. **The decentralized motor vehicle**  
12 **emissions inspection program shall be implemented and applied in the**  
13 **same manner throughout every portion of a nonattainment area located**  
14 **within the area described in subsection 1 of section 643.305.** The  
15 commission shall ensure that, for each nonattainment area, the state  
16 implementation plan established pursuant to subsection 1 of section 643.305  
17 incorporates and receives all applicable credits allowed by the United States  
18 Environmental Protection Agency for emission reduction programs in other  
19 nonattainment areas of like designation in other states. The commission shall  
20 ensure that emission reduction amounts established pursuant to subsection 2 of  
21 section 643.305 shall be consistent with and not exceed the emissions reduction  
22 amounts required by the United States Environmental Protection Agency for  
23 other nonattainment areas of like designation in other states. No motor vehicle  
24 emissions inspection program shall be required to comply with subsection 1 of  
25 section 643.305 unless the plan established thereunder takes full advantage of  
26 any changes in requirements or any agreements made or entered into by the  
27 United States Environmental Protection Agency and any entity or entities on

28 behalf of a nonattainment area concerning compliance with National Ambient Air  
29 Quality Standards of the federal Clean Air Act, as amended, 42 U.S.C. 7401, et  
30 seq., and the regulations promulgated thereunder. [The air conservation  
31 commission shall request and it shall be the duty of the attorney general to bring,  
32 in a court of competent jurisdiction, an action challenging the authority of the  
33 United States Environmental Protection Agency to impose sanctions for failure  
34 to attain National Ambient Air Quality Standards and failure to provide for  
35 required emission reductions under the federal Clean Air Act, as amended, 42  
36 U.S.C. 7401, et seq. The action shall seek to define the required emission  
37 reductions and the credits allowed for current and planned emission reductions  
38 measures. The air conservation commission shall request and it shall be the duty  
39 of the attorney general to bring an action to obtain injunctive relief to enjoin and  
40 restrain the imposition of sanctions on the state of Missouri under the federal  
41 Clean Air Act, as amended, 42 U.S.C. 7401, et seq., until all actions initiated  
42 pursuant to this section have been decided. Provisions of section 307.366, RSMo,  
43 to the contrary notwithstanding, the requirements of sections 643.300 to 643.355  
44 shall apply to those areas designated by the commission pursuant to this section  
45 in lieu of the provisions of section 307.366, RSMo.]

46         2. [No later than the effective date of this section, the department of  
47 natural resources and the Missouri highway patrol shall enter into an  
48 interagency agreement covering all aspects of the administration and enforcement  
49 of section 307.366, RSMo, and sections 643.300 to 643.355.

50         3.] (1) The department, with the cooperation and approval of the  
51 commissioner of administration, shall select a person or persons to operate an  
52 inspection facility or inspection program pursuant to sections 643.300 to 643.355,  
53 under a bid procedure or under a negotiated process or a combination thereof  
54 based on criteria and expectations established by the department. This process  
55 may use either a licensing arrangement or contractual arrangement with the  
56 selected party or parties. The selection of persons to operate inspection facilities  
57 or inspection programs shall be exempt from the provisions of all site  
58 procurement laws. [The number of locations shall be no less than the number  
59 needed to provide adequate service to customers and establish an emissions  
60 inspection program which satisfies the requirements of this section.] Each person  
61 who is authorized to operate a station pursuant to this section shall be capable  
62 of providing adequate and cost-effective service to customers.

63         (2) Service management, coordination and data processing may be

64 provided by the department or by another person, including a contractor or  
65 licensee, based upon the most cost-effective proposal for service.

66 (3) A license or contract shall be for a period of up to seven years,  
67 consistent with the provisions of article IV, section 28 of the Missouri  
68 Constitution, and licenses or contracts shall be annually reviewed. A license or  
69 contract may be suspended or revoked if the licensee or contractor is not meeting  
70 the conditions of sections 643.300 to 643.355, all applicable rules, the license  
71 agreement or contract as determined by the department. A licensee or contractor  
72 found to have violated sections 643.300 to 643.355, applicable rules or the  
73 conditions of the license agreement or contract shall be in violation of section  
74 643.151 and subject to the penalties provided thereunder.

75 [4. The inspection program shall satisfy the following criteria:

76 (1) There shall be an adequate number of stations to ensure that no more  
77 than twenty percent of all persons residing in an affected nonattainment area  
78 reside farther than five miles from the nearest inspection station, and  
79 consideration shall be given to employment, locations and commuting patterns  
80 when selecting the locations of the stations;

81 (2) There shall be an adequate number of inspection lanes at each facility  
82 so that no more than five percent of all persons having an inspection are required  
83 to wait more than fifteen minutes before the inspection begins;

84 (3) The days and daily hours of operation shall include at least those  
85 hours specified by the department, which shall include, at a minimum, twelve  
86 continuous hours of operation on all weekdays excepting federal holidays, and six  
87 continuous hours of operation on all Saturdays excepting federal holidays;

88 (4) The emissions inspection program shall include a simulated on-road  
89 emissions inspection component, including pressure and purge tests, which  
90 satisfies the requirements established by regulation of the United States  
91 Environmental Protection Agency and may include a visual inspection component;

92 (5) The inspection stations shall be test-only stations and shall not offer  
93 motor vehicle emissions repairs, parts or services of any kind;

94 (6) No person operating or employed by an emissions inspection station  
95 shall repair or maintain motor vehicle emission systems or pollution control  
96 devices for compensation of any kind.

97 5.] 3. The commission, the department of economic development and the  
98 office of administration shall, in cooperation with the minority business advocacy  
99 commission, select the contractor or contractors to provide an inspection program

100 which satisfies the minimum requirements of this section in accordance with the  
101 requirements of section 33.752, RSMo, and chapter 34, RSMo. The commission,  
102 the office of administration and the department of economic development, in  
103 cooperation with the minority business advocacy commission, shall ensure  
104 adequate minority business participation in the selection of the contractor or  
105 contractors to provide an inspection program pursuant to this section. The  
106 commission, the office of administration and the department of economic  
107 development shall ensure adequate participation of Missouri businesses in the  
108 selection of the contractor or contractors to provide an inspection program  
109 pursuant to this section.

110 [6.] 4. With approval of the commission and pursuant to rules adopted  
111 by the commission, an organization whose members are motor vehicle dealers or  
112 leasing companies may establish one or more additional emissions inspection  
113 facilities, which may be either mobile or stationary, to be used solely to inspect  
114 motor vehicles owned and held for sale or lease by the members of the  
115 organization. With approval of the commission and pursuant to rules adopted by  
116 the commission, any person operating a fleet of five hundred or more motor  
117 vehicles may establish one or more additional emissions inspection facilities,  
118 which may be either mobile or stationary, to be used solely to inspect motor  
119 vehicles owned or leased and operated by the person establishing the  
120 facility. The inspections performed in facilities established pursuant to this  
121 subsection shall be performed by a contractor selected by the commission  
122 pursuant to this section and the contractor performing such inspections shall be  
123 responsible solely to the department and shall satisfy all applicable requirements  
124 of sections 643.300 to 643.355.

125 [7. Any person who owns Missouri analyzer system emission inspection  
126 equipment as defined by rule, used to provide emissions inspections pursuant to  
127 section 307.366, RSMo, at a facility located in an area in which an emissions  
128 inspection program has been established pursuant to sections 643.300 to 643.355  
129 may, within twelve months of the implementation of an emissions inspection  
130 program pursuant to sections 643.300 to 643.355, sell such equipment to the  
131 department of natural resources at current market value as established by an  
132 independent appraisal provided that the equipment is fully functional and has  
133 been maintained according to all applicable manufacturer's specifications and  
134 procedures. The department shall purchase such equipment using funds  
135 appropriated for that purpose from the Missouri air emission reduction fund. Any

136 person who, prior to January 1, 1992, contracted to lease or lease purchase, or  
137 purchased by borrowing a portion of the funds secured by a chattel mortgage,  
138 Missouri analyzer system emission inspection equipment used to provide  
139 emissions inspections pursuant to section 307.366, RSMo, at a facility located in  
140 an area in which an emissions inspection program has been established pursuant  
141 to sections 643.300 to 643.355, and has made all payments required under the  
142 contract, may, within twelve months of the implementation of an emissions  
143 inspection program pursuant to sections 643.300 to 643.355, request the  
144 department of natural resources to take possession of such equipment and assume  
145 all payment obligations on such equipment which obligations are not in  
146 excess of one hundred and twenty-five percent of the current market value as  
147 established by an independent appraisal, provided that the equipment is fully  
148 functional and has been maintained according to all applicable manufacturer's  
149 specifications and procedures. The department shall take possession of such  
150 equipment and pay such obligations using funds appropriated for that purpose  
151 from the Missouri air emission reduction fund.

152       8.] 5. If the governor applies to the administrator of the Environmental  
153 Protection Agency to require federal reformulated gasoline in nonattainment  
154 areas, nothing in sections 643.300 to 643.355 shall prevent the storage of  
155 conventional gasoline in nonattainment areas which is intended for sale to  
156 agricultural, commercial or retail customers outside said nonattainment areas  
157 subject to reformulated gasoline.

158       [9.] 6. The governor, the department of natural resources, and the  
159 commission shall work to ensure an orderly transition period in the  
160 nonattainment area for the introduction of reformulated gasoline. Priority shall  
161 be given to ensure the petroleum refiners ample time to organize, structure, and  
162 implement both the production and the delivery of reformulated gasoline to the  
163 nonattainment area, so that consumers will see an orderly, seamless market  
164 substitution.

643.315. 1. **This enactment of the emissions inspection program**  
2 **is a mandate of the United States Congress pursuant to the federal**  
3 **Clean Air Act, as amended, 42 U.S.C. 7401, et seq.** Except as provided in  
4 sections 643.300 to 643.355, all motor vehicles which are domiciled, registered or  
5 primarily operated in an area for which the commission has established a motor  
6 vehicle emissions inspection program pursuant to sections 643.300 to 643.355,  
7 [which may include all motor vehicles owned by residents of a county of the first

8 classification without a charter form of government with a population of less than  
9 one hundred thousand inhabitants according to the most recent decennial census  
10 who have chosen to participate in such a program in lieu of the provisions of  
11 section 307.366, RSMo,] shall be inspected and approved prior to sale or transfer.  
12 In addition, any such vehicle manufactured as an even-numbered model year  
13 vehicle shall be inspected and approved under the emissions inspection program  
14 established pursuant to sections 643.300 to 643.355 in each even-numbered  
15 calendar year and any such vehicle manufactured as an odd-numbered model year  
16 vehicle shall be inspected and approved under the emissions inspection program  
17 established pursuant to sections 643.300 to 643.355 in each odd-numbered  
18 calendar year. All motor vehicles subject to the inspection requirements of  
19 sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and  
20 when applicable, a valid emissions inspection certificate shall be presented at the  
21 time of registration or registration renewal of such motor vehicle. **The**  
22 **department of revenue shall require evidence of the safety and**  
23 **emission inspection and approval required by this section in issuing**  
24 **the motor vehicle registration in conformity with the procedure**  
25 **required by sections 307.350 to 307.390, RSMo, and sections 643.300 to**  
26 **643.355. The director of revenue may verify that a successful safety and**  
27 **emissions inspection was completed via electronic means.**

28 2. [No emission standard established by the commission for a given make  
29 and model year shall exceed the lesser of the following:

30 (1) The emission standard for that vehicle model year as established by  
31 the United States Environmental Protection Agency; or

32 (2) The emission standard for that vehicle make and model year as  
33 established by the vehicle manufacturer.

34 3.] The inspection requirement of subsection 1 of this section shall apply  
35 to all motor vehicles except:

36 (1) Motor vehicles with a manufacturer's gross vehicle weight rating in  
37 excess of eight thousand five hundred pounds;

38 (2) Motorcycles and motortricycles if such vehicles are exempted from the  
39 motor vehicle emissions inspection under federal regulation and approved by the  
40 commission by rule;

41 (3) Model year vehicles manufactured [twenty-six years or more] prior to  
42 [the current model year] 1996;

43 (4) Vehicles which are powered exclusively by electric or hydrogen power

44 or by fuels other than gasoline which are exempted from the motor vehicle  
45 emissions inspection under federal regulation and approved by the commission  
46 by rule;

47 (5) Motor vehicles registered in an area subject to the inspection  
48 requirements of sections 643.300 to 643.355 which are domiciled and operated  
49 exclusively in an area of the state not subject to the inspection requirements of  
50 sections 643.300 to 643.355, but only if the owner of such vehicle presents to the  
51 department an affidavit that the vehicle will be operated exclusively in an area  
52 of the state not subject to the inspection requirements of sections 643.300 to  
53 643.355 for the next twenty-four months, and the owner applies for and receives  
54 a waiver which shall be presented at the time of registration or registration  
55 renewal;

56 (6) New and unused motor vehicles, of model years of the current calendar  
57 year and of any calendar year within two years of such calendar year, which have  
58 an odometer reading of less than six thousand miles at the time of original sale  
59 by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user;  
60 [and]

61 (7) Historic motor vehicles registered pursuant to section 301.131, RSMo;

62 (8) **School buses;**

63 (9) **Diesel-powered vehicles, except light-duty diesel-powered**  
64 **vehicles manufactured after 1996 with a gross vehicle weight rating of**  
65 **eight thousand five hundred pounds or less;**

66 (10) **New motor vehicles which have not been previously titled**  
67 **and registered, for the two-year period following their model year of**  
68 **manufacture provided the odometer reading for such motor vehicles**  
69 **are under fifty thousand miles; and**

70 (11) **Motor vehicles that are driven fewer than twelve thousand**  
71 **miles between biennial safety inspections.**

72 [4.] 3. The commission may, by rule, allow inspection reciprocity with  
73 other states having equivalent or more stringent testing and waiver requirements  
74 than those established pursuant to sections 643.300 to 643.355.

75 [5.] 4. (1) At the time of sale, a licensed motor vehicle dealer, as defined  
76 in section 301.550, RSMo, may choose to sell a motor vehicle subject to the  
77 inspection requirements of sections 643.300 to 643.355 either:

78 (a) With prior inspection and approval as provided in subdivision (2) of  
79 this subsection; or

80 (b) Without prior inspection and approval as provided in subdivision (3)  
81 of this subsection.

82 (2) If the dealer chooses to sell the vehicle with prior inspection and  
83 approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle  
84 obtained approval by meeting the emissions standards established pursuant to  
85 sections 643.300 to 643.355 or by obtaining a waiver pursuant to section 643.335.  
86 A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer  
87 shall be inspected and approved within the one hundred twenty days immediately  
88 preceding the date of sale, and, for the purpose of registration of such vehicle,  
89 such inspection shall be considered timely.

90 (3) If the dealer chooses to sell the vehicle without prior inspection and  
91 approval, the purchaser may return the vehicle within ten days of the date of  
92 purchase, provided that the vehicle has no more than one thousand additional  
93 miles since the time of sale, if the vehicle fails, upon inspection, to meet the  
94 emissions standards specified by the commission and the dealer shall have the  
95 vehicle inspected and approved without the option for a waiver of the emissions  
96 standard and return the vehicle to the purchaser with a valid emissions  
97 certificate and sticker within five working days or the purchaser and dealer may  
98 enter into any other mutually acceptable agreement. If the dealer chooses to sell  
99 the vehicle without prior inspection and approval, the dealer shall disclose  
100 conspicuously on the sales contract and bill of sale that the purchaser has the  
101 option to return the vehicle within ten days, provided that the vehicle has no  
102 more than one thousand additional miles since the time of sale, to have the dealer  
103 repair the vehicle and provide an emissions certificate and sticker within five  
104 working days if the vehicle fails, upon inspection, to meet the emissions  
105 standards established by the commission, or enter into any mutually acceptable  
106 agreement with the dealer. A violation of this subdivision shall be an unlawful  
107 practice as defined in section 407.020, RSMo. No emissions inspection shall be  
108 required pursuant to sections 643.300 to 643.360 for the sale of any motor vehicle  
109 which may be sold without a certificate of inspection and approval, as provided  
110 pursuant to subsection 2 of section 307.380, RSMo.

643.320. 1. [The commission shall establish, by rule, procedures,  
2 standards, and requirements for the operation of emissions inspection stations  
3 and the conduct of emissions inspections] **The commission shall prescribe**  
4 **the standards and equipment necessary for an official emissions**  
5 **inspection station and the qualifications for persons who conduct the**

6 inspections, and no applicant for certificate of authorization to conduct  
7 emissions inspections may be approved to operate an official emissions  
8 inspection station until the applicant meets the standards and has the  
9 required equipment and qualified inspectors as prescribed by the  
10 commission. The commission shall establish standards and procedures  
11 to be followed in the making of inspections required by sections 643.300  
12 to 643.355 and shall prescribe rules and regulations for the operation  
13 of emissions inspection stations.

14 2. [The emissions inspection stations shall be operated in accordance with  
15 all requirements established by the commission under this section] The  
16 application for a certificate of authorization to operate as an official  
17 emissions inspection station shall be made to the commission on a form  
18 furnished by the commission. The application shall be accompanied by  
19 a fee established by the commission by rule, but in no case shall the fee  
20 exceed one hundred dollars. The certificate of authorization shall be  
21 renewed annually on the date of issue. All fees shall be payable to the  
22 director of revenue and shall be deposited by the director of revenue  
23 in the state treasury to the credit of the Missouri air emission  
24 reduction fund established under section 643.350.

25 3. The [department] commission or its designee shall cause  
26 unannounced inspections to be made of the operation of each emissions inspection  
27 station at least once during each calendar year. The inspection may include  
28 submitting a known high emission vehicle for inspection without prior disclosure  
29 to the inspection station.

30 4. At any time the commission or its designee shall have reason  
31 to believe that any person has violated any provisions of the provisions  
32 of sections 643.300 to 643.355 or the regulations promulgated  
33 thereunder, the commission or its designee shall refuse to issue or shall  
34 revoke or suspend any certificate of authority under this section. The  
35 suspension or revocation of a certificate of authority shall be in writing  
36 to the operator, inspector, or the person in charge of the emissions  
37 inspection station. Before suspending or revoking the certificate of  
38 authority to conduct emissions inspections, the commission or its  
39 designee shall serve notice in writing by certified mail or by personal  
40 service to the inspection station at the operator's address of record  
41 giving the permittee the opportunity to appear in the office of the  
42 commission on a stated date, not less than ten nor more than thirty

43 days after the mailing or service of the notice, for a hearing to show  
44 cause why the inspection station's certificate of authority should not  
45 be suspended or revoked. An inspection station owner or an inspector  
46 may appear in person or by counsel in the office of the commission or  
47 its designee to show cause why the proposed suspension or revocation  
48 is in error, or to present any other facts or testimony that would bear  
49 on the final decision of the commission or its designee. If the operator,  
50 owner, or inspector does not appear on the stated day after receipt of  
51 notice, it shall be presumed that such party admits the allegations of  
52 fact contained in the hearing notification letter. The decision of the  
53 commission or its designee may in such case be based upon the written  
54 reports submitted by the commission's officers. The order of the  
55 commission, specifying the commission's findings of fact and  
56 conclusions of law, shall be considered final immediately after receipt  
57 of notice thereof by the inspection station.

58 5. The commission may impose alternative administrative  
59 enforcement mechanisms in lieu of suspending or revoking a certificate  
60 of authority. Such alternative administrative enforcement mechanisms  
61 may include, but not be limited to, requiring inspectors to successfully  
62 complete a commission-approved retraining program. The commission  
63 also may require any individual who has his or her certificate of  
64 authority suspended to undergo remedial retraining as a condition of  
65 removing such suspension.

66 [4.] 6. The department may require emissions inspection stations to  
67 furnish reports, upon forms furnished by the department for that purpose, that  
68 the department considers necessary for the administration of sections 643.300 to  
69 643.355.

70 [5. No emissions inspection required under sections 643.300 to 643.355  
71 may be performed at an emissions inspection station unless there is conspicuously  
72 posted on the premises of the emissions inspection station a sign which is at least  
73 eight feet high and sixteen feet wide and which sign bears the legend: "This  
74 inspection is mandated by the United States Environmental Protection Agency  
75 under powers granted to it by your United States Senators and Representatives  
76 in Washington, D.C." A standard sign, designed by the department and  
77 containing letters of at least six inches in height, shall be used by all emissions  
78 inspection stations. Such signs shall be furnished by the department to each

79 emissions inspection station at no cost to the station.]

643.330. 1. An owner whose vehicle fails, upon inspection, to meet the  
2 emissions standards specified by the commission may have the vehicle  
3 reinspected after making repairs or adjustments to the vehicle to reduce  
4 emissions.

5 2. No motor vehicle owner shall be charged an additional emissions  
6 inspection fee for **one additional** emissions [reinspections] **reinspection**  
7 completed within [thirty calendar] **twenty consecutive** days, **excluding**  
8 **Saturdays, Sundays, and holidays**, of the initial emissions inspection. **Such**  
9 **fee only shall be waived or not charged if the reinspection is made by**  
10 **the station making the initial inspection.**

11 3. [The department shall publish a list of emissions repair and  
12 adjustment procedures based on the ratio of potential emissions reductions to  
13 cost, and the list shall be distributed and made available at all emissions  
14 inspection stations. The list shall indicate the most cost-effective measures that  
15 a vehicle owner can take to reduce emissions.

16 4. The inspector shall provide in writing to the owner of a vehicle which  
17 fails, upon inspection, to meet the emissions standards, the nature of the vehicle's  
18 failure, the components or equipment responsible for the failure and the  
19 estimated cost of repair to the extent practical pursuant to rules promulgated by  
20 the commission.

21 5.] The department shall cause unannounced tests of facilities which  
22 repair, service or maintain motor vehicle emissions components and equipments,  
23 including submitting known high emission vehicles with known defects for repair  
24 without prior disclosure to the repair facility. Any suspected violations of chapter  
25 407, RSMo, shall be reported by the department to the attorney general who shall  
26 institute appropriate proceedings under sections 407.095 and 407.100, RSMo,  
27 regarding unlawful merchandising practices.

643.335. 1. The commission shall establish, by rule, a waiver amount,  
2 which [may be lower for older model vehicles and which, prior to January 1,  
3 2001,] shall be no greater than [seventy-five dollars for model year vehicles prior  
4 to 1981, no greater than two hundred dollars for model year vehicles [of 1981 to  
5 1996 and no greater than] four hundred and fifty dollars [for model year vehicles  
6 of 1997 and all subsequent model years. On and after January 1, 2001, the  
7 commission may, by rule, set the waiver amount, except that the waiver amount  
8 shall not exceed the waiver amount provided in the federal Clean Air Act, as

9 amended, 42 U.S.C. 7401 et seq., and the regulations promulgated thereunder for  
10 the enhanced motor vehicle emissions inspection].

11 2. The commission shall establish, by rule, a form and a procedure for  
12 verifying that repair and adjustment was performed on a failing vehicle prior to  
13 the granting of a waiver and approval.

14 3. The waiver form established pursuant to subsection 2 of this section  
15 shall be an affidavit requiring:

16 (1) A statement signed by the repairer that the specified work was done  
17 and stating the itemized charges for the work; and

18 (2) A statement signed by the [emissions inspection contractor]  
19 **commission or its designee** that an inspection of the vehicle verified, to the  
20 extent practical, that the specified work was done. **An inspection to verify**  
21 **whether repair work was performed or not shall not be conducted by**  
22 **the same inspection station, inspector, or affiliate that performed the**  
23 **repair work.**

24 4. A vehicle which fails upon reinspection to meet the emissions standards  
25 specified by the commission shall have the emissions standards waived and  
26 receive approval only if the owner furnishes a complete, signed affidavit  
27 satisfying the requirements of subsection 3 of this section and the cost of the  
28 parts, repairs and adjustment work performed is equal to or greater than the  
29 waiver amount established by the commission. Costs for repair work may only  
30 be included toward reaching the waiver amount if the repairs are performed by  
31 a recognized repair technician [as defined by rule]. **As used in this section,**  
32 **a recognized repair technician is a repair technician who has obtained**  
33 **and possesses valid A6, A8, and L1 certifications from the National**  
34 **Institute for Automotive Service Excellence.**

35 5. No cost for parts, repairs or adjustments shall be included toward  
36 reaching the waiver amount if such costs are covered by an emission control  
37 performance warranty provided by the manufacturer at no additional cost to the  
38 vehicle owner unless the vehicle owner provides, with the affidavit, a written  
39 denial of warranty remedy from the motor vehicle manufacturer, dealer or other  
40 person providing the warranty.

41 6. No cost for parts, repairs or adjustments shall be included toward  
42 reaching the waiver amount if such costs are required to correct the effects of  
43 tampering with emissions systems or air pollution control devices.

44 **7. Notwithstanding the provisions of subsection 4 of this section,**

45 the costs for repair work performed by an owner of a vehicle may be  
46 included toward reaching the waiver amount except that the owner  
47 shall only receive half of the labor cost for the repair performed on the  
48 vehicle toward the waiver amount. The cost of labor for work  
49 performed on a vehicle by its owner shall be computed by using the  
50 hourly rate and time allocations found in industry standard flat rate  
51 manuals that are generally recognized and commonly used in the motor  
52 vehicle repair industry within the area described in section 643.305. An  
53 owner who performs his or her emissions repairs, however, shall  
54 receive full credit toward the waiver amount for the cost of parts.

643.350. 1. A fee, not to exceed twenty-four dollars, may be charged for  
2 an emissions inspection conducted under the emissions inspection program  
3 established pursuant to sections 643.300 to 643.355[, except that on days of  
4 operation, other than the last three days of operation in each calendar month, the  
5 fee shall be reduced by:

6 (1) Ten dollars for any person who is required to wait more than thirty  
7 minutes before the inspection begins; and

8 (2) Twenty dollars for any person who is required to wait more than sixty  
9 minutes before the inspection begins.

10 The waiting time shall begin at the time when the customer's vehicle is on the  
11 premises of the inspection station and available for inspection].

12 2. [The commission shall establish, by rule, a time-stamping system to  
13 ensure that the time of arrival and the time inspection begins is accurately  
14 recorded for each vehicle at each emissions inspection facility.

15 3.] The fee shall be conspicuously posted on the premises of each  
16 emissions inspection station.

17 [4.] 3. The commission shall establish, by rule, the portion of the fee  
18 amount to be remitted by the [contractor] **emission inspection station** to the  
19 director of revenue and the number of days allowed for remitting fees.

20 [5.] 4. The [contractor] **official emission inspection station** shall  
21 remit the portion of fees collected, as established by the commission pursuant to  
22 this section, to the director of revenue within the time period established by the  
23 commission. The director of revenue shall deposit the fees received in the state  
24 treasury to the credit of the "Missouri Air Emission Reduction Fund", which is  
25 hereby created. Moneys in the fund shall, subject to appropriation, be expended  
26 for the administration and enforcement of sections 643.300 to 643.355 by the

27 department of natural resources, the Missouri highway patrol, and other  
28 appropriate agencies. Any balance in the fund at the end of the biennium shall  
29 remain in the fund and shall not be subject to the provisions of section 33.080,  
30 RSMo. All interest earned by moneys in the fund shall accrue to the fund.

31 [6.] 5. In addition to funds from the Missouri air emission reduction  
32 fund, costs of capital or operations may be supplemented, upon appropriation,  
33 from the general revenue fund, the state highway department fund, federal funds  
34 or other funds available for that purpose.

[307.366. 1. This enactment of the emissions inspection  
2 program is a mandate of the United States Congress pursuant to  
3 the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. In  
4 any portion of an area designated by the governor as a  
5 nonattainment area, as defined in the federal Clean Air Act, as  
6 amended, 42 U.S.C.A. Section 7501, and located within the area  
7 described in subsection 1 of section 643.305, RSMo, certain motor  
8 vehicles shall be tested and approved prior to sale or transfer and  
9 biennially thereafter to determine that the emissions system is  
10 functioning within the emission standards as specified by the  
11 Missouri air conservation commission and as required to attain the  
12 national health standards for air quality. For such biennial  
13 testing, any such vehicle manufactured as an even-numbered model  
14 year vehicle shall be tested and approved in each even-numbered  
15 calendar year and any such vehicle manufactured as an  
16 odd-numbered model year vehicle shall be tested and approved in  
17 each odd-numbered calendar year. The motor vehicles to be tested  
18 shall be all motor vehicles except those specifically exempted  
19 pursuant to subdivisions (1) to (3) of subsection 1 of section 307.350  
20 and those exempted pursuant to this section.

21 2. The provisions of this section shall not apply to:

22 (1) Motor vehicles with a manufacturer's gross vehicle  
23 weight rating in excess of eight thousand five hundred pounds;

24 (2) Motorcycles and motortricycles;

25 (3) Model year vehicles manufactured twenty-six years or  
26 more prior to the current model year;

27 (4) School buses;

28 (5) Diesel-powered vehicles;

29                   (6) Motor vehicles registered in the area covered by this  
30 section but which are based and operated exclusively in an area of  
31 this state not subject to the provisions of this section if the owner  
32 of such vehicle presents to the director a sworn affidavit that the  
33 vehicle will be based and operated outside the covered area;

34                   (7) New and unused motor vehicles, of model years of the  
35 current calendar year and of any calendar year within two years of  
36 such calendar year, which have an odometer reading of less than  
37 six thousand miles at the time of original sale by a motor vehicle  
38 manufacturer or licensed motor vehicle dealer to the first user; and

39                   (8) Motor vehicles owned by a person who resides in a  
40 county of the first classification without a charter form of  
41 government with a population of less than one hundred thousand  
42 inhabitants according to the most recent decennial census who has  
43 completed an emission inspection pursuant to section 643.315,  
44 RSMo.

45 Each official inspection station which conducts emissions  
46 inspections within the area referred to in subsection 1 of this  
47 section shall indicate the gross vehicle weight rating of the motor  
48 vehicle on the inspection certificate if the vehicle is exempt from  
49 the emissions inspection pursuant to subdivision (1) of this  
50 subsection.

51                   3. (1) At the time of sale, a licensed motor vehicle dealer,  
52 as defined in section 301.550, RSMo, may choose to sell a motor  
53 vehicle subject to the inspection requirements of this section either:

54                   (a) With prior inspection and approval as provided in  
55 subdivision (2) of this subsection; or

56                   (b) Without prior inspection and approval as provided in  
57 subdivision (3) of this subsection.

58                   (2) If the dealer chooses to sell the vehicle with prior  
59 inspection and approval, the dealer shall disclose, in writing, prior  
60 to sale, whether the vehicle obtained approval by meeting the  
61 emissions standards established pursuant to this section or by  
62 obtaining a waiver pursuant to subsection 6 of this section. A  
63 vehicle sold pursuant to this subdivision by a licensed motor  
64 vehicle dealer shall be inspected and approved within the one

65 hundred twenty days immediately preceding the date of sale, and,  
66 for the purpose of registration of such vehicle, such inspection shall  
67 be considered timely.

68 (3) If the dealer chooses to sell the vehicle without prior  
69 inspection and approval, the purchaser may return the vehicle  
70 within ten days of the date of purchase, provided that the vehicle  
71 has no more than one thousand additional miles since the time of  
72 sale, if the vehicle fails, upon inspection, to meet the emissions  
73 standards specified by the commission and the dealer shall have  
74 the vehicle inspected and approved without the option for a waiver  
75 of the emissions standard and return the vehicle to the purchaser  
76 with a valid emissions certificate and sticker within five working  
77 days or the purchaser and dealer may enter into any other  
78 mutually acceptable agreement. If the dealer chooses to sell the  
79 vehicle without prior inspection and approval, the dealer shall  
80 disclose conspicuously on the sales contract and bill of sale that the  
81 purchaser has the option to return the vehicle within ten days,  
82 provided that the vehicle has no more than one thousand  
83 additional miles since the time of sale, to have the dealer repair  
84 the vehicle and provide an emissions certificate and sticker within  
85 five working days if the vehicle fails, upon inspection, to meet the  
86 emissions standards established by the commission, or enter into  
87 any mutually acceptable agreement with the dealer. A violation of  
88 this subsection shall be an unlawful practice as defined in section  
89 407.020, RSMo. No emissions inspection shall be required  
90 pursuant to this section for the sale of any motor vehicle which  
91 may be sold without a certificate of inspection and approval, as  
92 provided pursuant to subsection 2 of section 307.380.

93 4. A fee not to exceed twenty-four dollars may be charged  
94 for an automobile emissions and air pollution control inspection in  
95 order to attain the national health standards for air quality. Such  
96 fee shall be conspicuously posted on the premises of each such  
97 inspection station. The official emissions inspection station shall  
98 issue a certificate of inspection and an approval sticker or seal  
99 certifying the emissions system is functioning properly. The  
100 certificate or approval issued shall bear the legend: "This cost is

101 mandated by your United States Congress.". No owner shall be  
102 charged an additional fee after having corrected defects or unsafe  
103 conditions in the automobile's emissions and air pollution control  
104 system if the reinspection is completed within twenty consecutive  
105 days, excluding Saturdays, Sundays and holidays, and if such  
106 follow-up inspection is made by the station making the initial  
107 inspection.

108 5. The air conservation commission shall establish, by rule,  
109 a waiver amount which may be lower for older model vehicles and  
110 which shall be no greater than seventy-five dollars for model year  
111 vehicles prior to 1981 and no greater than two hundred dollars for  
112 model year vehicles of 1981 and all subsequent model years.

113 6. An owner whose vehicle fails upon reinspection to meet  
114 the emission standards specified by the Missouri air conservation  
115 commission shall be issued a certificate of inspection and an  
116 approval sticker or seal by the official emissions inspection station  
117 that provided the inspection if the vehicle owner furnishes a  
118 complete, signed affidavit satisfying the requirements of this  
119 subsection and the cost of emissions repairs and adjustments is  
120 equal to or greater than the waiver amount established by the air  
121 conservation commission pursuant to this section. The air  
122 conservation commission shall establish, by rule, a form and a  
123 procedure for verifying that repair and adjustment was performed  
124 on a failing vehicle prior to the granting of a waiver and  
125 approval. The waiver form established pursuant to this subsection  
126 shall be an affidavit requiring:

127 (1) A statement signed by the repairer that the specified  
128 work was done and stating the itemized charges for the work; and

129 (2) A statement signed by the inspector that an inspection  
130 of the vehicle verified, to the extent practical, that the specified  
131 work was done.

132 7. The department of revenue shall require evidence of the  
133 inspection and approval required by this section in issuing the  
134 motor vehicle annual registration in conformity with the procedure  
135 required by sections 307.350 to 307.370.

136 8. Each emissions inspection station located in the area

137 described in subsection 1 of this section shall purchase from the  
138 highway patrol sufficient forms and stickers or other devices to  
139 evidence approval of the motor vehicle's emissions control system.  
140 In addition, emissions inspection stations may be required to  
141 purchase forms for use in automated analyzers from outside  
142 vendors of the inspection station's choice. The forms must comply  
143 with state regulations.

144 9. In addition to the fee collected by the superintendent  
145 pursuant to subsection 5 of section 307.365, the highway patrol  
146 shall collect a fee of seventy-five cents for each automobile  
147 emissions certificate issued to the applicable official emissions  
148 inspection stations, except that no charge shall be made for  
149 certificates of inspection issued to official emissions inspection  
150 stations operated by governmental entities. All fees collected by  
151 the superintendent pursuant to this section shall be deposited in  
152 the state treasury to the credit of the "Missouri Air Pollution  
153 Control Fund", which is hereby created.

154 10. The moneys collected and deposited in the Missouri air  
155 pollution control fund pursuant to this section shall be allocated on  
156 an equal basis to the Missouri state highway patrol and the  
157 Missouri department of natural resources, air pollution control  
158 program, and shall be expended subject to appropriation by the  
159 general assembly for the administration and enforcement of  
160 sections 307.350 to 307.390. The unexpended balance in the fund  
161 at the end of each appropriation period shall not be transferred to  
162 the general revenue fund, except as directed by the general  
163 assembly by appropriation, and the provisions of section 33.080,  
164 RSMo, relating to the transfer of funds to the general revenue fund  
165 at the end of the biennium, shall not apply to this fund. The  
166 moneys in the fund shall be invested by the treasurer as provided  
167 by law, and the interest shall be credited to the fund.

168 11. The superintendent of the Missouri state highway  
169 patrol shall issue such rules and regulations as are necessary to  
170 determine whether a motor vehicle's emissions control system is  
171 operating as required by subsection 1 of this section, and the  
172 superintendent and the state highways and transportation

173 commission shall use their best efforts to seek federal funds from  
174 which reimbursement grants may be made to those official  
175 inspection stations which acquire and use the necessary testing  
176 equipment which will be required to perform the tests required by  
177 the provisions of this section.

178 12. The provisions of this section shall not apply in any  
179 county for any time period during which the air conservation  
180 commission has established a motor vehicle emissions inspection  
181 program pursuant to sections 643.300 to 643.355, RSMo, for such  
182 county, except where motor vehicle owners have the option of  
183 biennial testing pursuant to chapter 643, RSMo. In counties where  
184 such option is available, the emissions inspection may be conducted  
185 in stations conducting only an emissions inspection under contract  
186 to the state.

187 13. Notwithstanding the provisions of section 307.390,  
188 violation of this section shall be deemed a class C misdemeanor.]

2 [643.360. This act shall not take effect until a cause of  
3 action is filed by the attorney general on behalf of the state of  
4 Missouri and other appropriate parties in a federal court of  
5 appropriate jurisdiction requesting injunctive relief and to test the  
6 constitutionality and legality of sanctions threatened by the  
7 Environmental Protection Agency pursuant to the federal Clean Air  
8 Act, as amended, 42 U.S.C. 7401, et seq., and shall not take effect  
9 so long as a temporary restraining order or injunction relating to  
10 such sanctions shall be in effect. Such action may allege, among  
11 others, that the standards which determine that the St. Louis  
12 metropolitan statistical area is a nonattainment area are  
13 unreasonable in relation to the sanctions sought to be imposed by  
14 the Environmental Protection Agency by virtue of the following:

15 (1) That there is not sufficient substantial evidence to  
16 demonstrate a rational relationship between the ambient air  
17 conditions in the St. Louis metropolitan statistical area and the  
18 penalties sought to be imposed by the Environmental Protection  
19 Agency;

20 (2) That the standards which determine that the St. Louis  
metropolitan statistical area is a nonattainment area and the

21 penalties threatened by the Environmental Protection Agency are  
22 arbitrary and lack a rational relationship to the overall purpose of  
23 the federal Clean Air Act, as amended, 42 U.S.C. 7401, et seq. in  
24 that;

25 (a) That at only one of the seventeen monitoring sites in the  
26 St. Louis metropolitan statistical area have there been more than  
27 the allowed number of exceedances during the past three years;  
28 and

29 (b) That for the exceedances at that single monitoring site,  
30 there exist purely local causes which do not reflect nor bear a true  
31 relationship to the ambient air quality of the St. Louis  
32 metropolitan statistical area; and

33 (3) That the penalties available to be imposed by the  
34 Environmental Protection Agency are unreasonable and arbitrary  
35 and bear no rational relationship to the ambient air quality of the  
36 St. Louis metropolitan statistical area in that:

37 (a) At the single exceeding monitoring site there exist  
38 purely local causes for the exceedances which do not bear a true  
39 relationship nor reflect the actual ambient air quality of the St.  
40 Louis metropolitan statistical area;

41 (b) That the state of Missouri should be given a reasonable  
42 time to correct the exceedances at the single exceeding site and the  
43 penalties should not be assessed nor accrue prior to such time;

44 (c) That it is unreasonable to impose on the state of  
45 Missouri the obligation to expend an estimated one hundred  
46 twenty-five million dollars to reach attainment based upon the  
47 single exceeding site and the existing local causes for the  
48 exceedances where those do not reflect nor bear a true relationship  
49 to the ambient air quality of the St. Louis metropolitan statistical  
50 area;

51 (d) That the fifteen percent reduction in volatile organic  
52 compound requirement in the federal Clean Air Act bears no  
53 relationship to the actual ambient air quality of the St. Louis  
54 metropolitan statistical area because the reduction is mandated by  
55 the Environmental Protection Agency whether or not the St. Louis  
56 metropolitan statistical area reaches attainment status.]

Section B. The repeal of sections 307.366 and 643.360 and the repeal and  
2 reenactment of sections 33.080, 301.190, 301.800, 643.305, 643.310, 643.315,  
3 643.320, 643.330, 643.335, and 643.350 shall become effective September 1, 2007.

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